

March 13, 2013

**VIA ELECTRONIC AND CERTIFIED MAIL**

Anthony Herman  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: MUR 6713—Response of Republican Union PAC (James Harmon, Treasurer)

Dear Mr. Herman:

CREW accuses Republican Union PAC of “knowingly accepting a contribution made by one person in the name of another” when the PAC received a contribution from Sherry Huff in July 2012.<sup>1</sup> This accusation is based on nothing more than vague suspicion. Indeed, CREW can only cite “evidence” that hardly substantiates its claim: two Twitter postings that merely thank the PAC’s followers for “getting the word out” on the social-media site.<sup>2</sup>

Republican Union PAC responds here with facts that discredit CREW’s meritless allegation.

Sherry Huff was and always has been described to Republican Union PAC as the actual source of the July 2012 contribution. The PAC was initially contacted by Steve Steele, who stated that he was Sherry Huff’s representative, in early July 2012 after an initial introduction by mutual acquaintances.<sup>3</sup> Mr. Steele indicated in a phone conversation at the time that Ms. Huff wanted to make a contribution to the PAC.<sup>4</sup> Republican Union PAC then arranged artwork for and placement of several billboards that would be funded by Ms. Huff’s contribution.<sup>5</sup>

The PAC received a wire transfer from Ms. Huff’s bank account<sup>6</sup> on July 19, 2012, as disclosed on the PAC’s October 15th Quarterly Report.<sup>7</sup> Ms. Huff represented herself as the

<sup>1</sup> CREW Complaint at 9.

<sup>2</sup> CREW Complaint at 7. Republican Union PAC initially thanked its Twitter followers (a.k.a. “Tweeps”) generally for their “part in this.” Republican Union PAC Twitter Status (Aug. 1, 2012 at 9:45pm), <https://twitter.com/RepublicanUnion/status/230856835941429249>. One of its “Tweeps,” named “@NewtPOTUS/Tea Party 1,” then “re-tweeted” the initial message. The PAC final thanked “@NewtPOTUS/Tea Party 1” for that “re-tweet.” Republican Union PAC Twitter Status (Aug. 1, 2012 at 9:47pm), <https://twitter.com/RepublicanUnion/status/230859904724897792>. CREW tries to make this interaction into something significant when, in reality, it was a simple run-of-the-mill exchange with a regular Twitter follower that is unrelated to CREW’s accusation.

<sup>3</sup> Davis Aff. ¶¶ 5-6.

<sup>4</sup> Davis Aff. ¶ 6.

<sup>5</sup> Attachment A.

<sup>6</sup> Attachment B.

donor to an accountant who monitored and facilitated the contribution transaction.<sup>8</sup> And when the PAC solicited address, occupation, and employer information for the donor, Mr. Steele replied:

Some of those questions need to come from Sherry directly. I have talked to her about this and she said she would get right on it but obviously not done yet. I have already reached out to her again today to try and get her to send that information to Patrick [Davis].<sup>9</sup>

Ms. Huff's representative then emailed Ms. Huff's information to Patrick Davis, one of Republican Union PAC's principals, and identified Ms. Huff as the donor.<sup>10</sup> Republican Union PAC duly reported Ms. Huff's name and information on its Quarterly Report filed with the Commission. Thereafter, Republican Union PAC continued to provide information to Mr. Steele and solicit additional funds from Ms. Huff, believing that Ms. Huff was the actual contributor of the funds received on July 19th.<sup>11</sup>

Republican Union PAC and its principals did not have any contact with Carey Vaughn Brown, the man CREW supposes was the actual contributor. The PAC's principals, in fact, had not even heard Mr. Brown's name until they read press reports concerning CREW's complaint.<sup>12</sup>

Taken together, these facts rebut CREW's bare assertion and demonstrate that Republican Union PAC had, up until CREW's complaint was filed, only received indications that Ms. Huff was the actual contributor. Republican Union PAC therefore did not knowingly accept a contribution made in the name of another.

Respectfully Submitted,



Matthew T. Sanderson  
Caplin & Drysdale, Chartered

<sup>7</sup> Republican Union PAC, FEC Form 3X October 15 Quarterly Report, available at <http://images.nictusa.com/cgi-bin/fecimg/?13940229595>.

<sup>8</sup> Attachment C.

<sup>9</sup> Attachment D.

<sup>10</sup> Attachment D.

<sup>11</sup> Attachment E.

<sup>12</sup> Brazil Aff. ¶ 5-7; Davis Aff. ¶ 7-9; Harmon Aff. ¶¶ 6-8.

BEFORE THE FEDERAL ELECTION COMMISSION  
Washington, D.C.

In the Matter of:

Complaint of CREW

No. MUR 6713

Affidavit of James J. Brazil

I, James J. Brazil, being duly sworn, hereby declare as follows:

1. My name is James Brazil. I, along with Patrick Davis and James Harmon, manage Republican Union PAC's operations and activities.
2. I am aware of, and have reviewed, the complaint that was recently filed with the Federal Election Commission by Citizens for Responsibility and Ethics in Washington ("CREW").
3. Patrick Davis was designated by Republican Union PAC to communicate with all contributors and potential contributors to the PAC.
4. Patrick Davis was the only individual from Republican Union PAC to communicate with Sherry Huff and her representatives.
5. Based on communications with Patrick Davis, I believed that Sherry Huff was the actual source of the contribution that Republican Union PAC received on July 19, 2012.
6. I received no indication that anyone other than Sherry Huff might be the actual source of the July 19, 2012 contribution until I read media reports about CREW's complaint.
7. I had neither heard Carey Vaughn Brown's name, nor learned of his possible involvement in a contribution to Republican Union PAC, until I read media reports about CREW's complaint.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

*James J. Brazil*  
James J. Brazil

Magistral District Judge  
SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, this  
13<sup>th</sup> day of March 2013, at Scranton, PA

*[Signature]*  
Notary Public Signature

My Commission Expires: 1<sup>st</sup> March 2016

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**Washington, D.C.**

In the Matter of: ..

Complaint of CREW

No. MUR 6713

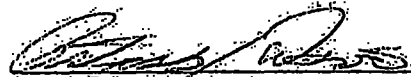
**Affidavit of Patrick Davis**

I, Patrick Davis, being duly sworn, hereby declare as follows:

1. My name is Patrick Davis. I, along with James Brazil and James Harmon, manage Republican Union PAC's operations and activities.
2. I am aware of, and have reviewed, the complaint that was recently filed with the Federal Election Commission by Citizens for Responsibility and Ethics in Washington ("CREW").
3. I was designated by Republican Union PAC to communicate with all contributors and potential contributors to the PAC.
4. I was the only individual from Republican Union PAC to communicate with Sherry Huff and her representatives.
5. I was introduced to Steve Steele by mutual acquaintances who worked at Joseph David Advertising, the advertising firm retained by Republican Union PAC to produce and place billboards.
6. In July 2012, I spoke over the phone with Steve Steele, who introduced himself as Sherry Huff's representative and indicated that Ms. Huff wanted to contribute to Republican Union PAC.
7. I believed at all times that Ms. Huff was the actual source of the contribution that Republican Union PAC received on July 19, 2012.
8. I received no indication that anyone other than Sherry Huff might be the actual source of the July 19, 2012 contribution until I read media reports about CREW's complaint.
9. I had neither heard Carey Vaughn Brown's name, nor learned of his possible involvement in a contribution to Republican Union PAC, until I read media reports about CREW's complaint.

17044423410

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
Patrick Davis

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, this  
8 day of March 2013, at First Bank Old Springs 80602

  
Notary Public Signature

My Commission Expires:

MY COMMISSION EXPIRES 05/14/13



**BEFORE THE FEDERAL ELECTION COMMISSION**  
**Washington, D.C.**

**In the Matter of:**

**Complaint of CREW**

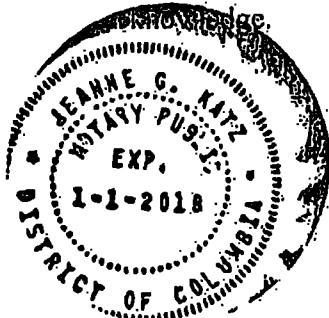
**No. MUR 6713**

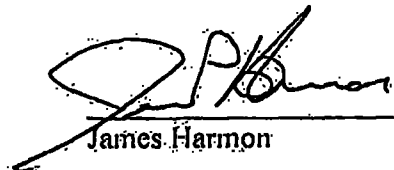
**Affidavit of James Harmon**

I, James Harmon, being duly sworn, hereby declare as follows:

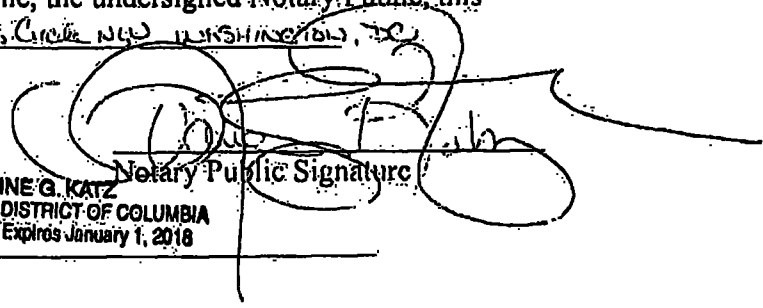
1. My name is James Harmon. I serve as Treasurer for Republican Union PAC, an independent expenditure-only committee registered with the Federal Election Commission (identification number C005252790).
2. I, along with Patrick Davis and James Brazil, manage Republican Union PAC's operations and activities.
3. I am aware of, and have reviewed, the complaint that was recently filed with the Federal Election Commission by Citizens for Responsibility and Ethics in Washington ("CREW").
4. Patrick Davis was designated by Republican Union PAC to communicate with all contributors and potential contributors to the PAC.
5. Patrick Davis was the only individual from Republican Union PAC to communicate with Sherry Huff and her representatives.
6. Based on communications with Patrick Davis, I believed that Sherry Huff was the actual source of the contribution that Republican Union PAC received on July 19, 2012.
7. I received no indication that anyone other than Sherry Huff might be the actual source of the July 19, 2012 contribution until I read media reports about CREW's complaint.
8. I had neither heard Carey Vaughn Brown's name, nor learned of his possible involvement in a contribution to Republican Union PAC, until I read media reports about CREW's complaint.

I declare under penalty of perjury that the foregoing is true and correct to the best of my



  
James Harmon

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, this  
12<sup>th</sup> day of March 2013, at ONE Thomas Circle NW WASHINGTON, DC

  
Notary Public Signature

JEANNE G. KATZ  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires January 1, 2018

My Commission Expires:

17044423413



# ATTACHMENT A

17044423414

From: Patrick Davis [  
Sent: Wednesday, July 18, 2012 8:22 AM  
To: 'Beckie Manley'  
Subject: RE: Final artwork

Beckie,

Good morning.

1. Your welcome
2. Please humor us and the FEC and place the disclaimer (Paid for by Republican Union PAC) in a box as describe here from the Federal Election Commission web page:  
<http://www.fec.gov/pages/brochures/notices.shtml#appearance>

#### Printed Materials

On printed materials, the disclaimer notice must appear within a printed box set apart from the other contents in the communication. The print must be of a sufficient type-size to be clearly readable by the recipient of the communication, and the print must have a reasonable degree of color contrast between the background and the printed statement. 11 CFR

110.11(c)(2)(i),  
(ii) and (iii).

As long as the disclaimer appears somewhere within the communication it does not have to appear on the front page or cover of multiple-paged documents. However, in the case of single-sided documents and billboards, the disclaimer must appear on the front. 11 CFR 110.11(c)(2)(iv).

3. Please send to me the cities, states and zip codes for the where the boards will be placed in order for us to coordinate our other activities (phones and door-to-door) effectively.

Thanks,

Patrick Davis

-----Original Message-----

From: Beckie Manley [<mailto:BManley@jdausa.com>]

Sent: Wednesday, July 18, 2012 4:49 AM

To: Patrick Davis

Subject: Re: Final artwork

Thank you, :)

Sent from my iPhone

Beckie Manley

President & Creative Director

jdausa.com

864.525.8989

St. Simons Island

On Jul 18, 2012, at 12:51 AM, "Patrick Davis" wrote:

> Beckie,

>

> On behalf of Republican Union PAC this artwork is approved.  
>  
> Patrick Davis  
>  
> -----Original Message-----  
> From: Beckie Manley [<mailto:BManley@idausa.com>]  
> Sent: Tuesday, July 17, 2012 9:23 PM  
> To:  
> Subject: Final artwork  
>  
> Patrick please email your approval. Thanks! :)  
>  
> Sent from my iPad  
>>  
>>  
>

17044423416

**From:** Patrick Davis |  
**Sent:** Wednesday, August 01, 2012 4:30 PM  
**To:** 'Beckie Manley'  
**Subject:** RE: white disclaimer, for box look

Beckie,

Please send me the final PDF version of the billboard design with the correct disclaimer.

Thanks,  
Patrick Davis

**From:** Beckie Manley [mailto:[BManley@jdausa.com](mailto:BManley@jdausa.com)]  
**Sent:** Wednesday, July 18, 2012 2:56 PM  
**To:**  
**Subject:** Fwd: white disclaimer, for box look

What about a white box? I'm afraid to outline blue box in white to bleed edge in case they mount it crooked and it cuts off part of it. What about on a white box like this separate from rest of art?

Sent from my iPhone  
Beckie Manley  
President & Creative Director  
[jdausa.com](http://jdausa.com)  
864.525.8989  
St. Simons Island

Begin forwarded message:

**From:** Brent Barbee <[BBarbee@jdausa.com](mailto:BBarbee@jdausa.com)>  
**Date:** July 18, 2012 4:50:39 PM EDT  
**To:** Beckie Manley <[BManley@jdausa.com](mailto:BManley@jdausa.com)>  
**Subject:** white disclaimer, for box look

**Obama support  
Gay Marriage**

**Do you?**

*paid for by* **Republican Union PAC** NOT AUTHORIZED BY ANY CA

# ATTACHMENT B

17044423419



Online Banking

### Transaction Details

**Posting date:** 07/19/2012

**Amount:** 1,000,000.00

**Type:** Credit

**Description:** WIRE TYPE:WIRE IN DATE: 120719  
TIME:1404 ET TRN:2012071900197414  
SEQ:201207196001/001501 ORIG:SHERRY  
HUFF ID:105080247 SND BK:CORNERSTONE  
COMMUNITY BANK ID:061304363 PMT  
DET:SHERRY HUFF

# ATTACHMENT C

17044423421



**From:** Patrick Davis [mailto:p  
**Sent:** Thursday, July 19, 2012 12:05 PM  
**To:** 'Kathy J Greiwe'  
**Cc:** 'Beckle Manley'  
**Subject:** RE: wire for Joseph David Advertising

As of 15 minutes ago we had not received it.

**From:** Kathy J Greiwe [mailto:kjgreiwe@ebscpa.com]  
**Sent:** Thursday, July 19, 2012 10:43 AM  
**To:**  
**Cc:** Beckle Manley  
**Subject:** wire for Joseph David Advertising

Hi Patrick,

I wanted to check on the status of the wire from Sherry Huff. She notified me she authorized the release to you this morning and asked if we had received it yet. Thanks!

Kathy

Kathy J. Greiwe  
Estep Burkey Simmons, LLC  
Certified Public Accountants and Consultants  
PO Box 42  
Muncie, IN 47308-0042  
Phone: 765.284.7554  
Fax: 765.284.7706

Growing Businesses from INSIGHT Out  
mailto:kjgreiwe@ebscpa.com

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**IRS CIRCULAR 230 DISCLOSURE:** Pursuant to U.S. Treasury Department Regulations, we are now required to advise you that any federal tax advice contained in this communication, including attachments and enclosures, is not intended by the Sender or Estep Burkey Simmons, LLC to constitute a covered opinion pursuant to Regulation Section 10.35 or to be used for the purpose of (i) avoiding tax-related penalties under Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any tax-related matters addressed herein.

UNCLASSIFIED

# ATTACHMENT D

-----Original Message-----

From: Patrick Davis [mailto: ]  
Sent: Wednesday, July 25, 2012 10:40 AM  
To: 'Beckie Manley'; 'Steve Steele'  
Subject: RE: Market info

Thank you!

Steve,

Any progress to report on getting the FEC information from the donor?

Thanks,  
Patrick

-----Original Message-----

From: Beckie Manley [mailto: BManley@idausa.com]  
Sent: Wednesday, July 25, 2012 8:20 AM  
To: ; Steve Steele  
Subject: Market info

Good morning! Here is all the market info for the boards we have purchased!  
Everything is printing and making great progress!

: )

>>>>>

>> <Republican Union PAC Market List by Flight.xlsx>

1700444423424

-----Original Message-----

From: Steve Steele

To: Beckie Manley

To: Patrick Davis

Subject: Re: Market Info

Sent: Jul 25, 2012 9:55 AM

Some of these questions need to come from Sherry directly. I have talked to her about this and she said she would get right on it but obviously not done yet. I have already reached out to her again today to try and get her to send that info to Patrick. Steve. In a message dated 7/25/2012 11:14:55 A.M. Eastern Daylight Time, [BManley@jdausa.com](mailto:BManley@jdausa.com) writes: Steve, can you answer Patrick's question? Sent from my iPhone Beckie Manley President & Creative Director jdausa.com 864.525.8989 St. Simons Island On Jul 25, 2012, at 10:39 AM, "Patrick Davis" <

> wrote: > Thank you! > > Steve, > >

Any progress to report on getting the FEC information from the donor? > > Thanks, > Patrick > > -----

Original Message----- > From: Beckie Manley [<mailto:BManley@jdausa.com>] > Sent: Wednesday, July

25, 2012 8:20 AM > To:

; Steve Steele > Subject: Market Info > > Good

morning! Here is all the market info for the boards we have purchased! > Everything is printing and making great progress! > > :) > <Republican Union PAC Market List by Flight.xlsx> >

Sent via BlackBerry by AT&T

104444011

**From:** Patrick Davis [mailto: [\]](#)  
**Sent:** Monday, July 30, 2012 3:52 PM  
**To:** 'Betty Smith'  
**Subject:** RE: DONOR INFORMATION

Betty,

Thank you! This is more than enough.

This is how I will report this contribution to the FEC

\$1,000,000  
Received July 20, 2012  
Contributor:  
Sherry L. Huff  
500 Thomas Drive  
Rossville, GA 30741  
Occupation: Business Woman  
Employer: Account Pros and Credit Protection Depot.

Thanks,  
Patrick Davis

**From:** Betty Smith [mailto: [\]](#)  
**Sent:** Monday, July 30, 2012 12:30 PM  
**To:**  
**Subject:** DONOR INFORMATION

Patrick,  
Please let me know if this is sufficient for donor information:

Sherry L. Huff  
423-648-5161 office  
500 Thomas Drive  
Rossville, GA 30741

Business Owner:  
Account Pros, Inc.  
Credit Protection Depot, Inc.  
Envision Management Group  
API Professional Services

I take a salary from both Account Pros and Credit Protection Depot. I am a business woman, my degree is in accounting.

I am an american citizen,

My donation is \$1,000,000

--  
*And we know that in all things God works for the good of those who love him, who have been called according to his purpose. Romans 8:28*

*Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed.*  
.. Booker T. Washington

## Attachment E

17044423428

**From:** Patrick Davis [mailto: ]  
**Sent:** Wednesday, August 01, 2012 7:08 PM  
**To:**  
**Subject:** RE: Market Info

Thank you for the advice. Bloomberg is chasing the story tonight.

**From:**  
**Sent:** Wednesday, August 01, 2012 3:08 PM  
**To:**  
**Subject:** Re: Market Info

I gotcha.

Not sure there is more to be paid out right now. I would suggest waiting to see if we can start documenting some publicity and such.

Just my thoughts.

Steve

In a message dated 8/1/2012 3:56:39 P.M. Eastern Daylight Time, writes:

Hi Steve,

Beefing up the grassroots component means paying for more bodies to work phone banks and distribute lit that looks like the board. We will send volunteers into the board communities!  
Sent via BlackBerry by AT&T

**From:**  
**Date:** Wed, 1 Aug 2012 15:43:48 -0400 (EDT)  
**To:** >; <BManley@ldausa.com>  
**Subject:** Re: Market Info

Thanks for the update Patrick.

I have met Truett Cathy but can't say I have a relationship with him. I will have to think about how an intro could be made.

Not sure I totally understand the question about beefing up the grassroots component?

Are you guys planning on sending anyone into these cities over the next few months?

Thanks for the help

Steve

In a message dated 8/1/2012 3:39:20 P.M. Eastern Daylight Time, writes:

Hi Steve,

Looks like the boards are going up as planned. Our facebook page has seen increased traffic since the boards started popping up. We are planning to promote the signs with earned media and social media.

In the midst of our launch the chick-fil-a flap erupted and we were wondering if you or Sherry have a relationship with chick-fil-a founder. It might be nice to place our boards in their billboard space for the next three months or at least near their restaurants.

Just a thought. Let me know if you can help us build on this idea.



Thanks,  
Patrick Davis  
-----Original Message-----  
From: Steve Steele  
To: Beckie Manley  
To: Patrick Davis  
Subject: Re: Market Info  
Sent: Jul 25, 2012 9:55 AM

[illegible]

**From:** Patrick Davis [mailto:;]  
**Sent:** Tuesday, August 21, 2012 7:14 PM  
**To:**  
**Subject:** RE: Market Info

Hi Steve,

We go out with a press release to national Catholic and Political media on Wednesday. Even before we pushed this the media the boards generated some buzz:

Bloomberg Article  
The Scranton Times-Tribune  
Politico lists RU Pac as One of the Top Ten IE Pacs in Late July  
This Blog Lists Top Pacs by IE and Includes RU Pac  
Conservative: National Organization for Marriage Blog  
Liberal: Pro-Gay Marriage / Pro-Obama Blog  
Liberal: Wisconsin Gazette (Another LGBT Paper)  
Liberal: The Advocate (LGBT Paper)  
Liberal: Progressives United

Will send more as the story unfolds.

I have been wishing that we could deploy these billboards in Spanish in Colorado and Nevada other Hispanic Catholic swing states.

Patrick Davis

**From:**  
**Sent:** Wednesday, August 01, 2012 3:08 PM  
**To:**  
**Subject:** Re: Market Info

I gotcha.

Not sure there is more to be paid out right now. I would suggest waiting to see if we can start documenting some publicly and such.

Just my thoughts.

Steve

In a message dated 8/1/2012 3:56:39 P.M. Eastern Daylight Time, writes:

Hi Steve,

Beefing up the grassroots component means paying for more bodies to work phone banks and distribute lit that looks like the board. We will send volunteers into the board communities!  
Sent via BlackBerry by AT&T

**From:**  
**Date:** Wed, 1 Aug 2012 15:43:48 -0400 (EDT)